

## B. REMARKS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claim 23 has been canceled. Hence, Claims 1-22, 24, 37 and 38 are pending in this application. The amendments to the claims do not add any new matter to this application. All issues raised in the Office Action mailed August 2, 2006 are addressed hereinafter.

### REJECTION OF CLAIMS 1-24, 37 AND 38 UNDER 35 U.S.C. § 102(e)

Claims 1-24, 37 and 38 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Kim et al.*, U.S. Patent Publication No. 2006/0025150 (hereinafter "*Kim*"). This rejection is moot with respect to canceled Claim 23. It is respectfully submitted that Claims 1-22, 24, 37 and 38, as amended, are patentable over *Kim* for at least the reasons provided hereinafter.

### CLAIM 1

Claim 1, as amended, is directed to a wireless communications apparatus that recites:

“a first antenna arrangement configured to transmit and receive communications signals on a first communications channel within a first section of a spatial area around the wireless communications apparatus, wherein the first antenna arrangement is further configured to determine whether the first communications channel is currently being used to carry communication signals before transmitting any communication signals onto the first communications channel, wherein the first antenna arrangement is further configured to selectively and separately manage transmit power levels with wireless devices in the first section of the spatial area around the wireless communications apparatus on a per-wireless device basis; and a second antenna arrangement configured to transmit and receive communications signals on a second communications channel within a second section of the spatial area around the wireless communications apparatus, wherein the second antenna arrangement is further configured to determine whether the second communications channel is currently being used to carry communication signals before transmitting any communication signals onto the second communications channel, wherein the second antenna arrangement is further configured to selectively and separately manage transmit power levels with wireless devices in the second section of the spatial area around the wireless communications apparatus on a per-wireless device basis.”

It is respectfully submitted that Claim 1 recites one or more limitations that are not taught or suggested by *Kim*. For example, it is respectfully submitted that the Claim 1 limitations pertaining to the first and second antenna arrangements selectively and separately managing the

transmit power levels with wireless devices in their respective sections of the spatial area around the wireless communications apparatus on a per-wireless device basis is not taught or suggested by *Kim*. This functionality provides several benefits, for example, reducing the amount of power consumed by the communications apparatus. Some wireless devices may be located very close to the antenna in a sector and less transmit power is required to communicate with those devices. Managing the transmit power on a per-wireless device basis also mitigates interference with other sectors and provides more reliable performance and a higher level of quality of service. For example, reducing the transmit power for a particular wireless device that is currently positioned closed to an antenna in a particular sector reduces the likelihood that that transmissions will trigger a carrier or energy detection algorithm of another sector.

*Kim* describes a frequency planning method that generally involves assigning channels to access points in a multi-cell wireless network to reduce co-channel interference. The combined effects of radio propagation, the IEEE 802.11 MAC protocol and traffic load are considered to mitigate the impact of co-channel interference. Ideally, adjacent sectors use different channels.

The Office Action refers to Section [0045] of *Kim* for teaching the limitations pertaining to selectively and separately managing the transmit power levels on a per-wireless device basis. Note that these limitations were added from Claim 23, which is now canceled. This portion of *Kim* describes that “the channel assignment mechanism could be adapted to support dynamic power control as well.” This portion of *Kim* appears to teach varying the power on a per-channel basis, since it refers to the channel assignment mechanism, which assigns channels to access points to avoid adjacent cells from using the same channel. It is respectfully submitted, however, that there is no teaching or suggestion in *Kim* of varying the transmit power in each cell on a per-wireless device basis, as recited in amended Claim 1. It is therefore respectfully submitted that at least the Claim 1 limitations “wherein the first antenna arrangement is further configured to selectively and separately manage transmit power levels with wireless devices in the first section of the spatial area around the wireless communications apparatus on a per-wireless device basis” and “wherein the second antenna arrangement is further configured to determine whether the second communications channel is currently being used to carry communication signals before transmitting any communication signals onto the second communications channel, wherein the second antenna arrangement is further configured to selectively and separately manage transmit

power levels with wireless devices in the second section of the spatial area around the wireless communications apparatus on a per-wireless device basis” are not taught or suggested by *Kim*.

In view of the foregoing, it is respectfully submitted that Claim 1 recites one or more limitations that are not taught or suggested by *Kim* and is therefore patentable over *Kim*.

#### CLAIMS 2-22

Claims 2-22 all depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 2-22 are patentable over *Kim* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 2-22 recite additional limitations that independently render them patentable over *Kim*.

#### CLAIM 24

Claim 24 recites limitations similar to Claim 1, except in the context of a wireless access point. It is therefore respectfully submitted that Claim 24 is patentable over *Kim* for at least the reasons set forth herein with respect to Claim 1.

#### CLAIMS 37 AND 38

Claims 37 and 38 recite limitations similar to Claim 1, except in the context of a wireless communications system. It is therefore respectfully submitted that Claims 37 and 38 are patentable over *Kim* for at least the reasons set forth herein with respect to Claim 1.

In view of the foregoing, it is respectfully submitted that Claims 1-22, 24, 37 and 38 are patentable over *Kim*. Accordingly, reconsideration and withdrawal of the rejection of Claims 1-22, 24, 37 and 38 under 35 U.S.C. § 102(e) as being anticipated by *Kim* is respectfully requested.

## CONCLUSION

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Edward A. Becker

Reg. No. 37,777

Date: February 2, 2007

2055 Gateway Place, Suite 550  
San Jose, CA 95110  
Telephone: (408) 414-1204  
Facsimile: (408) 414-1076

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Amendment**, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on February 2, 2007

by

  
Susan Jensen